



PTO/SB/30 (10-01)

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U.S. Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE

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**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**Address to:  
Commissioner for Patents  
Box RCE  
Washington, DC 20231

Application Number	09/224,683
Filing Date	December 31, 1998
First Named Inventor	Zsebo et al.
Group Art Unit	1647
Examiner Name	Bridget E. Bunner
Attorney Docket No.	01017/35136

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

**1. Submission required under 37 CFR 1.114**

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other Return Receipt Postcard

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SEP 25 2002

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**2. Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

**3. Fees**

The RCE fee under 37 CFR 1.17 (e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 13-2855
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Check in the amount of \$ 740.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	Nabeela R. McMillian	Registration No. (Attorney/Agent)	43,363
Signature		Date	September 20, 2002

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 110 807 134 US, in an envelope addressed to Box RCE, Commissioner for Patents, Washington, DC 20231, on the date shown below

Dated September 20, 2002

Signature:

  
Richard Zimmermann



AMENDMENT TRANSMITTAL LETTER				Docket No. 01017/35136	
Application No. 09/224,683	Filing Date December 31, 1998	Examiner Bridget E. Bunner	Art Unit 1647		
Applicant(s): Zsebo et al.					
Invention: STEM CELL FACTOR: COMPOSITION CLAIMS					
<b>TO THE COMMISSIONER FOR PATENTS</b>				<b>RECEIVED</b> SEP 25 2002 TECH CENTER 1600/2900	
Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below.					
<b>CLAIMS AS AMENDED</b>					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	44	- 70 =	0	x 18.00	0.00
Independent Claims	1	- 3 =	0	x 84.00	0.00
Multiple Dependent Claims (check if applicable) <input checked="" type="checkbox"/>					280.00
Other fee (please specify):					
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:</b>					<b>280.00</b>
<input checked="" type="checkbox"/> Large Entity <span style="margin-left: 200px;"><input type="checkbox"/> Small Entity</span>					
<input type="checkbox"/> No additional fee is required for this amendment.					
<input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of \$ _____. A duplicate copy of this sheet is enclosed.					
<input checked="" type="checkbox"/> A check in the amount of \$ 280.00 to cover the filing fee is enclosed.					
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.					
<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge and credit Deposit Account No. 13-2855 as described below. A duplicate copy of this sheet is enclosed.					
<input checked="" type="checkbox"/> Credit any overpayment.					
<input checked="" type="checkbox"/> Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.					
<div style="text-align: right;"> Nabeela R. McMillian Attorney Reg. No.: 43,363</div>				Dated: September 20, 2002	
<div style="font-size: small;">I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 110 807 134 US, in an envelope addressed to: Box RCE, Commissioner for Patents, Washington, DC 20231 on the date shown below</div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"><div>Dated: September 20, 2002</div><div>Signature:  Richard Zimmermann</div></div>					



# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

☐ Applicant claims small entity status See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1,940.00

## Complete if Known

Application Number 09/224,683  
Filing Date December 31, 1998  
First Named Inventor Zsebo et al.  
Examiner Name Bridget E. Bunner  
Group Art Unit 1647  
Attorney Docket No. 01017/35136

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account

Deposit Account Number

13-2855

Deposit Account Name

MARSHALL, GERSTEIN & BORUN

The Commissioner is hereby authorized to (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☐ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$)

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
44	- 70 =	0	0.00
Independent Claims	- 3 =	0	0.00
Multiple Dependent		280.0	280.00

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 280.00

\*\*or number previously paid, if greater. For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	920.00
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	740.00
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 1,660.00

## SUBMITTED BY

Name (Print/Type) Nabeela R. McMillan

Registration No. (Attorney/Agent)

43,363

## Complete (if applicable)

Telephone (312) 474-6300

Signature

Date

September 20, 2002

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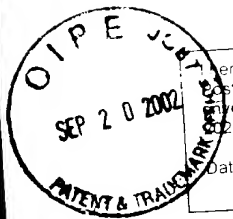
Dated: September 20, 2002

Signature

Richard Zimmermann

SEP 25 2002

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service in EXPRESS MAIL AIRBILL NO. EV 110 807 134 in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231, on the date shown below.

Dated September 20, 2002 Signature *Richard Zimmermann*

Docket No.: 01017/35136  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Zsebo et al.,

Application No.: 09/224.683

Filed: December 31, 1998

For: STEM CELL FACTOR: COMPOSITION  
CLAIMS

Group Art Unit: 1647

Examiner: Bridget E. Bunner

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**RESPONSE UNDER 37 CFR 1.116 ACCOMPANYING  
REQUEST FOR CONTINUED EXAMINATION**

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In response to the Office Action dated March 20, 2002 (Paper No. 12), finally rejecting claims 71-114, Applicants provide the following response and request reconsideration of the application. This response is being filed concurrently with a Request for Continued Examination in the above-identified application (U.S. Serial No. 09/224.683.) Applicants respectfully request that the following amendments and remarks be made of record and the claims be reconsidered for allowance.

**AMENDMENTS**

Please amend the claims as follows:

**In the Claims**

91. [Once Amended] The composition of claim 79, wherein the composition contains at least one cytokine selected from the group consisting of Interleukin-1, Interleukin-2, Interleukin-3, Interleukin-4, Interleukin-5, Interleukin-6, Interleukin-7,